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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,104	12/03/2003	Chen Shi-Tsung	23724-07833	7279
758	7590	03/09/2005		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER BROUSSARD, COREY M	
			ART UNIT 2835	PAPER NUMBER

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,104

Applicant(s)

SHI-TSUNG, CHEN

Examiner

Corey M. Broussard

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 10-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halligan et al. (US/5,032,689) in view of Unrein et al. (US/6,324,075). With respect to claim 1, Halligan teaches of a chassis (12) with a side panel having an opening, where a mesh screen (3) is attached and covering the opening for EMI shielding substantially as claimed. Halligan fails to disclose a chassis for a computer or wherein the computer components are visible through the mesh screen. Unrein teaches the conventionality of using EMI shielding through a panel (394) with an opening for a computer containing computer components (324, 322, etc). An optimization of a range or value of prior art is not inventive if discovered by the routine experimentation of those skilled in the art. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). It would have been obvious to a person of ordinary skill in the

art at the time of the invention to use the chassis and shielding of Halligan for shielding any electrical components such as computer components, and to select any known gage mesh that allows the internal components to be viewed through the mesh for the benefit of a more aesthetically pleasing chassis window. Unrein is relied upon to show that it is notoriously old and well known to shield computer components. See also Franzese (Chieftec SX-02SL Aluminum Server Chassis) showing it was known at the time of the invention to have transparent panels in computer chassis.

2. With respect to claim 2, Halligan as modified by Unrein fails to teach a chassis for a small form factor computer. A change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). It would have been obvious for a person of ordinary skill in the art at the time of the invention to scale the chassis of Halligan as modified by Unrein to provide shielding for any size form factor known in the art for the benefit of expanding the market for sales of the shielding.

3. With respect to claims 3 and 4, Halligan teaches a mesh screen (3) comprising of a thermally conductive material (column 4 lines 64-66) that preferably is a metal (column 2 lines 18-20).

4. With respect to claim 5, Halligan teaches that the mesh screen (3) is attached by screws (14).

5. With respect to claim 7, Unrein teaches that the opening in the side panel (394) has a rectangular shape and comprises at least half the area of the side panel (see Fig.

3). It would have been obvious to one of ordinary skill in the art to expand the opening of Halligan as taught by Unrein for greater cooling capacity of the components therein.

6. With respect to claims 6, Halligan fails to disclose the details of the gauge of the screen used. An optimization of a range or value of prior art is not inventive if discovered by the routine experimentation of those skilled in the art. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). It would have been obvious to a person of ordinary skill in the art to choose any gauge mesh known for the benefits of: cost effectiveness, durability, EMI shielding capability, airflow resistance, and/or transparency, selection of a mesh of 200 dots per inch would minimize weight and maintain effectiveness of the shielding as required by Halligan.

7. Claims 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unrein et al. (US/6,324,075) in view of Halligan et al. (US/5,032,689). With respect to claim 10, the method of limiting EMI and cooling is inherent in the structure of Unrein. Unrein teaches directing air flow from within the chassis (103, 303, etc.) out of the chassis through the porous window (329, 529, 597 etc.), thereby cooling the components (column 3 lines 17-19), and preventing EMI from escaping the chassis through the window (column 3 lines 12-14). Unrein fails to disclose a porous window allowing the interior to be visible from outside through the window. Halligan teaches of a porous window that is a mesh screen. It would have been obvious to a person of ordinary skill in the art at the time of the invention to replace the porous window of Unrein with the mesh screen of Halligan where the interior can be viewed from outside there through for the benefit of a more aesthetically pleasing chassis window.

8. With respect to claim 11, Unrein fails to teach a chassis specifically for a small form factor computer. A change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). It would have been obvious for a person of ordinary skill in the art at the time of the invention to scale the chassis of Unrein to any size form factor known in the art for the benefit of expanding the market for sales of the shielding.

9. With respect to claim 13, Unrein fails to disclose a window hole density of at least 200 holes per square inch. An optimization of a range or value of prior art is not inventive if discovered by the routine experimentation of those skilled in the art. In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). It would have been obvious to a person of ordinary skill in the art at the time of the invention to choose any hole density known for the benefit of cost effectiveness, durability, EMI shielding capability, and airflow resistance.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halligan et al (US/5,032,689) in view of Unrein et al. (US/6,324,075) as applied to claim 7 above, and further in view of Heard (US/2002/0080580). Halligan teaches a mesh screen (3) secured to the side panel of a chassis (12) by a screw (14) near each corner (see Fig. 5) of the rectangular opening. Unrein teaches a chassis (303) containing computer components (324, 322, etc) and an rectangular opening in a side panel (394) that comprises of at least one half the area of the panel (see Fig. 3). Halligan as modified by Unrein fails to teach that the mesh screen is mounted to an interior side of the panel. Heard teaches a side panel (100) with a rectangular opening and a screen (102)

mounted to an interior side of the panel. It would have been obvious to a person of ordinary skill in the art at the time of the invention to mount the mesh screen of Halligan as modified by Unrein to the interior of the side panel as disclosed by Heard to prevent arbitrary removal of the screen and to reduce damage to the mesh.

Response to Arguments

11. Applicant's arguments filed 01/28/2005 have been fully considered but they are not persuasive. In response to the applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures, taken as a whole, would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971) references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969). In this case it was known before the invention by the applicant to design a computer chassis with a transparent window (see Franzese page 3/4). It was also known to use wire mesh windows for EMI attenuation and thermal venting (see Halligan et al, PN 5,032,689). And transparent wire meshes for EMI attenuation were also known (see Lechter PN 5,101,139 Fig. 6, and col 1 lines 36-37). These disclosures, taken together as a whole, would suggest to one skilled in the art to

select a screen that provides EMI attenuation, transmits airflow, and is at least marginally transparent. Given this evidence, it can be seen that the suggestion to combine the references spring from the Examiner's knowledge of the state of the art at the time of the invention, and is not a product of "hindsight" reconstruction. Also, expected beneficial results are evidence of obviousness of claimed invention, In re Gershon 152 USPQ 602. The applicant fails to disclose why the visibility of the components through the screen is an unexpected result. It would be obvious to one of ordinary skill in the art that if the screen of Halligan transmits airflow, it would also be expected to transmit visible light.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lechter (PN 5,101,139) demonstrating a transparent wire mesh for EMI attenuation and Franzese (Chieftec SPX-02SL) demonstrating aesthetic side windows in computer chassis are made of record to support the suggestion/motivation for the obviousness rejection under 35 U.S.C. 103.


13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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